REMARKS

The drawings and the specification were objected to because they failed to show the third illumination source as claimed in claims 9-11, 16, and 17. These claims have been canceled, thus no revisions to the drawings are necessary.

Claims 9-11, 16, and 17 were rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement. As stated above, these claims have been canceled.

Claims 1, 4-8, 12, 14, and 15 were rejected under 35 USC § 102(e) as being anticipated by Johnson. The present invention, as claimed, solves the problem of a first mode light source from exciting or phosphorescing the second light source with a filter.

Johnson teaches the prior art method as specifically described in the Background Art Section of the present patent application beginning on page 2, line 1. The purpose of the normal mode lighting system described by Johnson is to be "utilized during daylight operation or night operations when the NVIS goggles are not being used" (reference Column 3 Lines 6 thru 8). Illumination from the normal mode lighting source (120) described by Johnson passes forward through several optical elements (172, 170, 174, 180, 190, and 100) before exiting to the viewer of the display. None of these optical elements as described by Johnson preferentially attenuates the near infrared portion of the spectrum while transmitting the visible portion of the spectrum as does an appropriately designed NVIS filter or hot mirror filter or notch filter. Consequently, any secondary emissions from the normal mode lighting system (120) caused by illumination from his NVIS light sources (140 & 150) would not be properly filtered to permit operation with NVIS goggles.

Johnson further describes the use of a second mode of operation for NVIS (reference Column 4 Lines 19 thru 34). During this mode of operation the normal mode lighting system (120) is turned off. Johnson does not describe the interaction between the illumination sources used for the two modes of operation. Further, Johnson does not describe the influence of the NVIS filtered light, which passes through the NVIS filter (160) from the NVIS light sources (140 & 150) on the normal mode lighting system. In particular, Johnson fails to discuss the phosphorescence, which occurs when the inactivated normal mode lighting source (120) is illuminated by the NVIS light sources (140 & 150).

Johnson does not describe the effect of the NVIS filter (160) when the normal mode lighting system is active. Johnson only describes the lack of influence the NVIS filter has during normal mode operation (reference Column 4 Lines 15 thru 18). A single NVIS filter (160) is the only element Johnson describes as providing spectral filtering necessary to achieve NVIS compliance. In the present claims, two distinct filters are claimed, an NVIS filter adjacent to said at least one first illumination source and a filter means adjacent to said at least one second illumination source for suppressing an excitation of said at least one second illumination source caused by said at least one first illumination source. Both of these filters, in combination, are necessary to achieve the NVIS performance requirements in the dual mode lighting system. Johnson does not teach or imply using a second filter to suppress the excitation on a first light by a second light.

Johnson provides no optical filtering in his invention to address the secondary or phosphorescence emissions from his primary lighting system as specifically claimed in the present invention. The feature is a critical difference and advantage for the present claims relative to the Johnson patent. In the office action, the Examiner incorrectly indicated that the NVIS filter (160) in Johnson somehow also operates as the second

filter means in item 6. Further, the Examiner also speculated that the "light produced by the second illumination source would then be suppressed and otherwise contained within unit 100 by use of the NVIS filter 160". This statement is erroneous as shown in the attached affidavit. Due to the failure of the Johnson device from teaching the elements of "a filter means adjacent to said at least one second illumination source for suppressing an excitation of said at least one second illumination source caused by said at least one first illumination source" as in independent claim 1 or "suppressing an excitation of a second illumination source comprising a second mode caused by said first illumination source with a filter" as in independent claim 12, and the erroneous speculation by the Examiner regarding the operation of the NVIS filter in Johnson, these claims are allowable. Further, due to the allowablility of the independent claims, the dependent claims are also allowable.

Having responded to each and every objection and rejection raised by the Examiner, it is believed that the patent application is now in condition for allowance, and such allowance is respectfully requested. If the Examiner has any questions or suggestions for expediting an allowance in this matter, the Examiner is invited to call the undersigned collect.

The Commissioner is authorized to charge any fees or credit any overpayment under 37 CFR §§ 1.16 and 1.17 which may be required during the entire pendency of the application to Deposit Account No. 01-1125.

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Respectfully submitted,

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